

SSB 5611 - H COMM AMD  
By Committee on Judiciary

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 10.82.090 and 2004 c 121 s 1 are each amended to read  
4 as follows:

5 (1) Except as provided in subsection (2) of this section, financial  
6 obligations imposed in a judgment shall bear interest from the date of  
7 the judgment until payment, at the rate (~~applicable to civil~~  
8 ~~judgments~~) specified in RCW 4.56.110(4). All nonrestitution interest  
9 retained by the court shall be split twenty-five percent to the state  
10 treasurer for deposit in the public safety and education account as  
11 provided in RCW 43.08.250, twenty-five percent to the state treasurer  
12 for deposit in the judicial information system account as provided in  
13 RCW 2.68.020, twenty-five percent to the county current expense fund,  
14 and twenty-five percent to the county current expense fund to fund  
15 local courts. The rate of interest specified in this subsection  
16 applies to the accrual of interest as of the date of entry of judgment  
17 with respect to a judgment that is entered on or after the effective  
18 date of this act, and applies to the accrual of interest as of the  
19 effective date of this act with respect to a judgment that was entered  
20 before the effective date of this act and is still accruing interest on  
21 the effective date of this act.

22 (2) The court may, on motion by the offender, following the  
23 offender's release from total confinement, reduce or waive the interest  
24 on legal financial obligations levied as a result of a criminal  
25 conviction. The court may reduce or waive the interest only as an  
26 incentive for the offender to meet his or her legal financial  
27 obligations. The court may not waive the interest on the restitution  
28 portion of the legal financial obligation and may only reduce the  
29 interest on the restitution portion of the legal financial obligation  
30 if the principal of the restitution has been paid in full. The

1 offender must show that he or she has personally made a good faith  
2 effort to pay, that the interest accrual is causing a significant  
3 hardship, and that he or she will be unable to pay the principal and  
4 interest in full and that reduction or waiver of the interest will  
5 likely enable the offender to pay the full principal and any remaining  
6 interest thereon. For purposes of this section, "good faith effort"  
7 means that the offender has either (a) paid the principal amount in  
8 full; or (b) made twenty-four consecutive monthly payments, excluding  
9 any payments mandatorily deducted by the department of corrections, on  
10 his or her legal financial obligations under his or her payment  
11 agreement with the court. The court may grant the motion, establish a  
12 payment schedule, and retain jurisdiction over the offender for  
13 purposes of reviewing and revising the reduction or waiver of interest.  
14 This section applies to persons convicted as adults or in juvenile  
15 court.

16 **Sec. 2.** RCW 4.56.110 and 2004 c 185 s 2 are each amended to read  
17 as follows:

18 Interest on judgments shall accrue as follows:

19 (1) Judgments founded on written contracts, providing for the  
20 payment of interest until paid at a specified rate, shall bear interest  
21 at the rate specified in the contracts: PROVIDED, That said interest  
22 rate is set forth in the judgment.

23 (2) All judgments for unpaid child support that have accrued under  
24 a superior court order or an order entered under the administrative  
25 procedure act shall bear interest at the rate of twelve percent.

26 (3) Judgments founded on the tortious conduct of individuals or  
27 other entities, whether acting in their personal or representative  
28 capacities, shall bear interest from the date of entry at two  
29 percentage points above the equivalent coupon issue yield, as published  
30 by the board of governors of the federal reserve system, of the average  
31 bill rate for twenty-six week treasury bills as determined at the first  
32 bill market auction conducted during the calendar month immediately  
33 preceding the date of entry. In any case where a court is directed on  
34 review to enter judgment on a verdict or in any case where a judgment  
35 entered on a verdict is wholly or partly affirmed on review, interest  
36 on the judgment or on that portion of the judgment affirmed shall date  
37 back to and shall accrue from the date the verdict was rendered.

1       (4) Legal financial obligations imposed in judgments pertaining to  
2 offenders referred to in RCW 10.82.090 shall bear interest from the  
3 date of entry at two percentage points above the equivalent coupon  
4 issue yield, as published by the board of governors of the federal  
5 reserve system, of the average bill rate for twenty-six week treasury  
6 bills as determined at the first bill market auction conducted in the  
7 month of December immediately preceding the date of entry. The  
8 interest rate on all judgments for legal financial obligations of  
9 offenders referred to in RCW 10.82.090 shall be readjusted annually on  
10 the first day of January of each year to reflect the interest rate  
11 based upon the first bill market auction held each preceding December,  
12 and shall accrue at that rate during the succeeding calendar year.

13       (5) Except as provided under subsections (1), (2), ~~((and))~~ (3), and  
14 (4) of this section, judgments shall bear interest from the date of  
15 entry at the maximum rate permitted under RCW 19.52.020 on the date of  
16 entry thereof. In any case where a court is directed on review to  
17 enter judgment on a verdict or in any case where a judgment entered on  
18 a verdict is wholly or partly affirmed on review, interest on the  
19 judgment or on that portion of the judgment affirmed shall date back to  
20 and shall accrue from the date the verdict was rendered. ~~((The method~~  
21 ~~for determining an interest rate prescribed by this subsection is also~~  
22 ~~the method for determining the "rate applicable to civil judgments" for~~  
23 ~~purposes of RCW 10.82.090.))"~~

**EFFECT:** Makes a technical amendment to delete a provision stating that the interest rate for legal financial obligations is the "rate applicable to civil judgments" (which is the higher of 12% or t-bill plus 4%).

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